

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

U.S.A. vs. TARIO GRAHAM

FILED BY CF D.C.
05 JUL -7 PM 4:32

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Docket No. 2:02CR20323-001

Petition on Probation and Supervised Release

COMES NOW FREDDIE MCMASTER II PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Tario Graham who was placed on supervision by the Honorable J. Daniel Breen sitting in the Court at Memphis, TN on the 28th day of August, 2003 who fixed the period of supervision at two (2) years*, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

The defendant shall participate in a substance abuse treatment program as deemed appropriate by the probation office.

The defendant shall obtain his GED.

*Term of Supervised Release began March 11, 2005.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(PLEASE SEE ATTACHED)

PRAYING THAT THE COURT WILL ORDER a SUMMONS be issued for Mr. Graham to appear before the Honorable J. Daniel Breen to answer charges of violation of Supervised Release.

ORDER OF COURT

Considered and ordered this 7th day of July, 2005 and ordered filed and made a part of the records in the above case.

[Signature]
United States District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 5, 2005
[Signature]
U.S. Probation Officer

Place Memphis, Tennessee

This document entered on the docket sheet in compliance with Rule 55 and/or 32(b) FRCP on 7-8-05

(65)

Graham, Tario

Docket No. 2:02CR20323-001

Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

THE DEFENDANT HAS VIOLATED THE FOLLOWING CONDITIONS OF SUPERVISED RELEASE:

The defendant shall refrain from any unlawful use of a controlled substance and the defendant shall not possess a controlled substance.

Mr. Graham used a controlled substance as evidenced by positive screens for cocaine on May 18 and marijuana on April 11, May 16, and June 20, 2005.

The defendant shall participate in a substance abuse treatment program as deemed appropriate by the probation office.

On March 30, 2005, Mr. Graham was referred to the Alcohol and Chemical Abuse Rehabilitation Center (ACAR) to begin drug testing and treatment. Between March 30, 2005, and June 30, 2005, he failed to attend five (5) drug screens and a scheduled counseling session on June 3, 2005. He was discharged due to non-compliance on July 1, 2005.

VIOLATION WORKSHEET

1. Defendant Tario Graham 2714 Kimball Memphis, TN 38114
2. Docket Number (Year-Sequence-Defendant No.) 2:02CR20323-001
3. District/Office Western District of Tennessee (Memphis)
4. Original Sentence Date 8 28 03
month day year

(If different than above):

5. Original District/Office _____
6. Original Docket Number (Year-Sequence-Defendant No.) _____
7. List each violation and determine the applicable grade {see §7B1.1}:

<u>Violation{s}</u>	<u>Grade</u>
<u>Usage of a controlled substance (cocaine & marijuana)</u>	<u>B</u>
<u>Failure to participate in drug testing/treatment as directed</u>	<u>C</u>
_____	_____
_____	_____
_____	_____
8. Most Serious Grade of Violation (see §7B1.1(b))	<u>B</u>
9. Criminal History Category (see §7B1.4(a))	<u>V</u>

10. Range of imprisonment (see §7B1.4(a))

18-24 months*

*Being originally convicted of a Class C felony, the statutory maximum term of imprisonment is 24 months; 18 U.S.C. §3583(e)(3).

11. Sentencing Options for Grade B and C violations Only (Check the appropriate box):

- ☐ (a) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c) (1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c) (2) provides sentencing options to imprisonment.
- ☒ (c) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution (\$) <u>N/A</u>	Community Confinement <u>N/A</u>
Fine (\$) <u>N/A</u>	Home Detention <u>N/A</u>
Other <u>N/A</u>	Intermittent Confinement <u>N/A</u>

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 {see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: _____

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

15. Official Detention Adjustment {see §7B1.3(e)}: months _____ days _____

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit



Notice of Distribution

This notice confirms a copy of the document docketed as number 65 in case 2:02-CR-20323 was distributed by fax, mail, or direct printing on July 8, 2005 to the parties listed.

Stephen P. Hall
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT